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Vienna

Chairman: Dr. P. Hohenfellner ..... (Austria)

The meeting was called to order at 10.15 a.m.

Report of the Scientific and Technical Subcommittee (A/AC.105/605) (*continued*)

Implementation of the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (*continued*)

Mr. Mulder (South Africa): In paragraph 26 of General Assembly resolution 49/34, it is agreed that the third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE) could be convened in the near future and that, prior to recommending a date for the conference, consensus should be reached on its agenda, venue and funding.

Since 1993, this Committee, the Scientific and Technical Subcommittee and the Secretariat have done extensive work on the subject of holding a third UNISPACE. We already have a provisional agenda, as set out in document A/AC.105/575/Add.1 and in the report of the thirty-second session of the Scientific and Technical Subcommittee.

Having heard the various arguments advanced by many delegations thus far, the South African delegation is convinced that consensus does exist on numerous aspects of the proposed agenda items. One of the arguments expressed by some delegations is that the objectives of a third UNISPACE might also be achieved by other means, including intensification of work in the Committee, the Secretariat and other forms of bilateral and multilateral cooperation.

The South African delegation firmly believes that although these objectives might be achieved by other means, there could be no substitute for a United Nations conference on the peaceful uses of outer space. A third UNISPACE would, against the background of the ever-changing socio-economic circumstances and the political, scientific and technological environment, only complement the activities of this Committee, the Secretariat and United Nations specialized and associated agencies. A third UNISPACE not only would stimulate bilateral and multilateral cooperation but would also reaffirm, in particular to the developing countries, the utmost importance of space exploration, space science and technology for the benefit of mankind. It would also be an ideal opportunity for those countries not represented here to articulate their diverse needs.

Where do we go from here? Perhaps we will manage to achieve consensus soon on the subject of holding a third UNISPACE and thus make a final recommendation to the General Assembly during this session. The South African delegation would like to urge all members to ensure that we reach consensus as soon as possible.

Mr. Ologun (Nigeria): My delegation wishes to express its gratitude to the Director of the Office for Outer Space Affairs, the United Nations Expert on Space Applications and all the staff of the Office for ensuring the maintenance of such a high standard of work. This has resulted in numerous achievements on the part of the Office, as presented by the United Nations Expert on Space Applications in his report to the Committee on the activities for the 1994 to 1995 period and proposed activities for 1996.

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One of the highlights of the report relates to the issue of inadequate exchange of information, which inhibits cooperation between nations, their scientists and their professionals and is a major hindrance to national development, regional cooperation and global information.

At the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro in 1992, the important role of information exchange in developmental efforts was recognized. Hence, in Agenda 21 a number of activities were proposed to enhance scientific capacity- and capability-building, at both global and regional levels, to promote the exchange of scientific and technological data and information, particularly in environmentally sound and sustainable development. Propelled by the Rio proposals, the United Nations Regional Conference on Space Technology for Sustainable Development in Africa, held in Dakar, Senegal, recommended an improvement in the existing state of information exchange within the African region. My delegation is therefore delighted that this recommendation has now resulted in the Office for Outer Space Affairs initiative called COPINE, a cooperative information network linking scientists, educators and professionals in Africa. It is hoped that this initiative, a welcome development, will be supported as planned. Nigeria is interested in and looking forward to participating in this project.

My delegation is of the view that the COPINE project could be better addressed and given focus and, hence, that it should be taken into proper account in our present efforts towards a third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE). We observe that the key issues, such as agenda, finance and the degree of success of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE II), have been advanced as reasons against moving forward to a third UNISPACE.

In a highly illuminating intervention and in answer to a few key questions, the representative of India beautifully addressed most of the issues raised earlier. My delegation identifies with these views and wishes to suggest a way forward that would facilitate the Committee's reaching a quick consensus on the issue of holding a third UNISPACE: we recommend the establishment and implementation during the current session of a committee to examine all the issues raised earlier and thus find ways and means of overcoming such issues so that a third UNISPACE will be a reality.

Perhaps this would provide an opportunity for our leaders to interact and review the imbalance in national budgets that are often tilted towards defence, even in times of relative peace. This is particularly so in the third-world countries, especially in Africa. The time has come for both the buyers and sellers of self-defence materials to take stock of the cumulative effect of the arms race. There is the growing burden of debt and the inability of most developing countries to service their debts, as well as the reality that some of the contributing factors are traceable to the misplaced priorities of the Governments concerned. When there are no ready suppliers of such weapons, the desire for such misplaced investment will end or be reduced.

My delegation fully supports the holding of a third UNISPACE, as this would provide a forum for technocrats and political leaders of various Governments of both developed and developing countries to examine other methods, particularly in the area of space technology and its benefits, in fighting hunger, disease, economic stagnation and so on. Since UNISPACE II, a number of developing countries that ventured into space technology and its applications have succeeded in reversing their food, health, economic and other related situations for the better.

The Committee will recall the relevance of the theme fixed for special attention at the 1995 session of the Scientific and Technical Subcommittee — "Application of space technology for education, with particular emphasis on its use in developing countries" — aimed at addressing the needs of the developing countries in the area of space technology and its applications. My delegation fully supports the suggestion made earlier by the representative of the Czech Republic to invite the International Astronautical Federation (IAF), the Committee on Space Research (COSPAR), the International Astronomical Union (IAU), the International Society for Photogrammetry and Remote Sensing and similar bodies to prepare materials preparatory to the holding of a third UNISPACE, and the suggestion that these bodies should, in cooperation with the host country, organize a UNISPACE forum as part of a third UNISPACE. My delegation would like to suggest that this forum could be complemented with an exhibition focusing on areas that would benefit developing countries.

Mr. Tremayne-Smith (United Kingdom): My delegation would like to take this opportunity to address agenda item 5, "Report of the Scientific and Technical Subcommittee". I will begin by reiterating the United Kingdom's gratitude to Professor John Carver for his dedicated work as Chairman of the Subcommittee. The benefits of his professional guidance have been plain to see.

We shall all miss his presence, and we extend to him our best wishes for the future.

The year has seen important developments on the issue of space debris. The discussions on giving priority to the Subcommittee's discussions and on adopting a multi-year work plan are recognition of the need to understand the extent of a problem which affects our use of outer space. The United Kingdom will continue to contribute substantially on this issue, and we look forward to the issuance of a report in three or four years' time. However, we do not believe that we should, in the interim, task the Legal Subcommittee with the consideration of space debris. To do so would seem to us premature. My delegation would suggest that the report on space debris be used as the basis for any consideration of a further plan of action.

The United Kingdom has made it plain that it is content for the Legal Subcommittee to suspend work on the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, pending the establishment of a clear and recognizable need for a revision of those Principles that is accepted by all. But we do believe it to be essential that the Scientific and Technical Subcommittee continue its work. Possible interaction between nuclear power sources and space debris is just one reason why the Subcommittee should keep abreast of nuclear, technical and safety advances in the international forums.

My delegation will now address the issue of the possible holding of a third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE). As the Committee knows, I personally took a role in the drafting group which produced a report in the Scientific and Technical Subcommittee regarding a possible third UNISPACE. This is detailed in the report of the Scientific and Technical Subcommiteee. It can certainly be said to have been the product of lively and substantive debate. The report covers in general terms the varied topics that are of interest to members of the Committee on the Peaceful Uses of Outer Space. On reflection, my delegation is of the view that further work is necessary to define the scope of activity carried out by other organizations and, not least, other bodies within the United Nations system, the list of which I will not repeat.

We should also look closely at just what could be achieved by alternative means. By this I mean a more active Committee on the Peaceful Uses of Outer Space, as well as other means. My delegation believes that this is necessary before attempting to produce a more sharply focused agenda on which we might achieve a consensus. Some thought should perhaps be given to matching our ambitions with the realities of today. The scope of a possible third conference should be set against the budgeting difficulties facing the United Nations and its Member States.

The Chairman: We have concluded our consideration of agenda items 5 and 7.

Report of the Legal Subcommittee on the work of its thirty-fourth session (A/AC.105/607) (*continued*)

Mr. Mazilu (Romania): On behalf of my delegation, I should like to express our appreciation for the contribution of the secretariat, and in particular of Mr. Jasentuliyana, in preparing all the necessary documents for this session of the Committee on the Peaceful Uses of Outer Space.

At the same time, we would like to express our satisfaction at the able and efficient leadership provided the Legal Subcommittee by its Chairman, Professor Václav Mikulka of the Czech Republic. We must acknowledge that, in many ways, the success of our deliberations in March and April of this year was due to his efforts.

In the first part of my statement, I should like to make some general remarks concerning the activities of the Legal Subcommittee.

First, my delegation welcomes the progress made on the legal aspects of the application of the principle of the exploration and utilization of outer space for the benefit and in the interests of all States.

Secondly, we consider also that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, adopted by the General Assembly in its resolution 47/68, should be strengthened, first through efforts by the Scientific and Technical Subcommittee with a view to creating a better framework for the use of nuclear power sources, and secondly, through efforts by the Legal Subcommittee decisions to develop the appropriate legal rules and regulations.

Thirdly, in our view, the States with relevant space capabilities have a duty to foster international cooperation in outer space science and technology and in their applications. The Governments engaged in space activities would also be called upon to share with other States, in particular with the developing countries, the scientific and technological knowledge required for the development of

programmes oriented to the more rational exploration and utilization of outer space, with a view to preserving the outer space environment for future generations.

We must recognize the role and scope of United Nations activities for strengthening and enhancing international cooperation in the field of the exploration and utilization of outer space.

Fourthly, we wish also to reiterate our view that the geostationary orbit is a limited natural resource and that all countries should have free access to it, including those that do not yet have the capacity to launch satellites. The interests of such countries should be safeguarded by ensuring that related legal principles take into account their possible future technological development.

I should like to underline that my country believes that free access to space-related information, the transfer of technology and the dissemination of space-related benefits could effectively help the less-developed countries and contribute to overcoming the differences between States in this field.

A full set of international legal standards should be devised to cover this area, establishing and supporting regional mechanisms within the United Nations. This could greatly assist in achieving those goals.

Fifthly, it is our firm view that the consensus on this issue remains solid and has been proved over the years. It is consensus that allows the Committee and its Subcommittees to work in a democratic manner and that is the basis on which all countries can productively participate in our work in order to guarantee the truly peaceful uses of outer space.

I should like now to refer to some concrete problems that are currently on the agenda of the Legal Subcommittee.

First, on the question of early review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, we agree with the view expressed in the Legal Subcommittee that the consideration of this item by the Working Group should be suspended for one year, pending the results of the work of the Scientific and Technical Subcommittee. But we would like to underline that this agreement was made without prejudice to the possibility of reconvening the Working Group on this item, if necessary.

Secondly, with regard to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, we noted with satisfaction — after intensive and fruitful discussions in the Legal Subcommittee — the intention of the delegation of Colombia to submit at the next session of the Subcommittee, in 1996, a revised version of the working paper entitled "Geostationary satellite orbit", as well as an annex explaining the ideas raised in the working paper.

It is our hope that the replies to the questionnaire on various legal issues relating to aerospace objects will provide a good basis for the Legal Subcommittee to decide how to continue our consideration of these important problems.

Thirdly, regarding the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries, we were able to study and discuss two important proposals: first, a revised version of the working paper submitted by Brazil and 10 other countries entitled "Principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes"; and, secondly, a working paper submitted by Germany and France entitled "Declaration on international cooperation in the exploration and use of outer space for the benefit and in the interests of all States, taking into particular account the needs of developing countries". It is our view that these two proposals represent a major contribution to our common efforts to determine the best ways and means of guaranteeing the equitable exploration and utilization of outer space.

We fully endorse the statement in the German-French declaration that States are free to determine all aspects of their cooperation — including, of course, development cooperation — whether bilateral or multilateral and whether commercial or non-commercial, and that States should choose the most efficient and appropriate mode of cooperation in order to allocate resources efficiently.

At the same time, the fundamental principles contained in the proposals of Brazil and other countries should be taken into account. It is our firm conviction that such principles — stipulating, first, that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the special needs of developing countries; secondly, that States with relevant space capabilities and

with programmes for the exploration and utilization of outer space should contribute to the promotion and fostering of international cooperation in outer space science and technology and in their application; and, thirdly, that States should have access to the knowledge and applications derived from the exploration and utilization of outer space for peaceful purposes on an equitable, non-discriminatory and timely basis — should be included in any final document of the Legal Subcommittee on this matter.

We hope that at its thirty-fifth session the Legal Subcommittee will be able to continue its debate on space benefits in order to determine the most appropriate approach to mutually fruitful and beneficial cooperation. As members know, the Chairman of the Working Group, in order to promote this debate at the Subcommittee's next session, produced an informal working paper merging the texts of the two working papers to which I have referred. It is our sincere belief that that informal paper will contribute to further progress on this important item at next year's session of the Subcommittee.

Fourthly, my delegation would like to make the following remarks concerning the problem of having the question of space debris included in the Legal Subcommittee's agenda.

First, everybody knows that consideration of a legal framework for such a complex matter requires careful examination of a vast amount of information that the Scientific and Technical Subcommittee has still to come up with.

Secondly, bearing these difficulties in mind, my delegation, like the Brazilian delegation, considers

> "that the Legal Subcommittee, without prejudging the results of the Scientific and Technical Subcommittee's work, could start to define preliminary parameters, which could be useful in a subsequent phase of eventual legal procedures." (A/AC.105/PV.411, pp. 16 and 17)

Like the delegations of Brazil, Pakistan and other countries, we do not see anything wrong with this idea. There is no doubt

> "that this exercise could prove helpful to the work of the Scientific and Technical Subcommittee." (ibid., p. 17)

Thirdly, it is our duty, working in this important United Nations body — the Committee on the Peaceful Uses of Outer Space — to do everything possible to find ways and means of preventing environmental disasters involving space debris. As you, Mr. Chairman, know, legal liability instruments address consequences but do little to prevent causes. We must not just think about such environmental disasters but actually take concrete action to remove their causes.

Fourthly, we know that these complex problems can be solved only through international cooperation. The mandate of the Legal Subcommittee gives it an important role in promoting international cooperation in outer space.

Fifthly, like the delegation of the United States, my delegation appreciates that matters considered by the Legal Subcommittee should not unnecessarily impede or inappropriately interfere with the space-related activities of Member States.

I turn now to the fifth concrete problem on the Legal Subcommittee's agenda to which I wish to refer.

Through the appropriate rules and regulations, based on the principles already approved, the Legal Subcommittee could and should contribute to the development of international cooperation in the exploration and utilization of outer space for peaceful purposes only. As Secretary-General Boutros Boutros-Ghali has rightly pointed out,

> "Through its global reach and global perspective, space technology can make a vital contribution to promoting international security." (A/48/221, para. 5)

What is now needed is open and sincere discussion between Member States and other international organizations concerned with space to determine the best methods of promoting and implementing the recommendations, rules and regulations to meet the actual challenges, giving innovative responses to the changing context of space and security in the post-cold-war era. And the Legal Subcommittee is the most appropriate body of this Committee and of the United Nations to take careful account of these important requirements.

I should like, in the last part of my intervention, to refer to some views regarding our responsibility for the elaboration and promotion of legal norms concerning the exploration and utilization of outer space.

First, many of us are lawyers with extremely valuable experience in the international arena. For example, you, Mr. Chairman, represent within the United Nations one of the most respected schools of law. But our job is not easy. The other day the Ambassador of Ecuador drew our attention to the complexity of our task, and Mrs. Evghenia Volokhova of the Russian Federation has explained to us how difficult it is to educate people everywhere in the world regarding space activities, and why it is so important that we do so.

Secondly, in his capacity as Chairman of the Legal Subcommittee some time ago, a former Under-Secretary-General of the United Nations, the Deputy Foreign Minister of Poland, Ambassador Wysner, underlined the importance of such a unique opportunity to work within the United Nations for the promotion of those legal norms so necessary in the contemporary world. He pointed out that if the job is being done seriously some of us have to suffer, even being kept in detention, but never giving up.

Thirdly, every member of the Committee knows from personal experience that in this complex and, unfortunately for too long, contradictory world, promotion of the principle and the rule of law in the exploration and utilization of outer space is not only an important task but at the same time a noble mission, which we can and should be proud to fulfil.

Mr. Gde Djelantik (Indonesia): I am very gratified to note that the report of the Legal Subcommittee on the work of its thirty-fourth session is very comprehensive in the elaboration of several issues of our common concern. In this regard, please allow me also to take this opportunity to express our sincere appreciation to the Chairman of the Legal SubCommittee, Mr. Václav Mikulka.

Let me now touch upon some items contained in the report.

With regard to agenda item 4, my delegation would like to reiterate its firm position on the need to establish a *sui generis* legal regime for regulating access to and use of the geostationary orbit as a limited natural resource. Such a regime should guarantee equitable access to the geostationary orbit for all States, taking account of the particular needs of developing countries and their special geographic features. It is our view that the International Telecommunication Union (ITU) has a certain responsibility to regulate the use of the geostationary orbit, particularly in the field of telecommunications.

Meanwhile, as we are all aware, there are certainly other aspects which have to be taken into account in regulating the rational, efficient, economical and equitable use of the geostationary orbit. Therefore, my delegation believes that the Committee on the Peaceful Uses of Outer Space is responsible for the legal and political aspects of the use of the geostationary orbit. The efforts of the Committee on the Peaceful Uses of Outer Space, its Subcommittees and the ITU concerning the development of principles regulating the use of the geostationary orbit should not be construed as contradictory issues but, rather, as complementary ones.

On agenda item 5 of the report, the General Assembly, in its resolution 49/34, decided that the Legal Subcommittee, taking into account the concerns of all countries, should continue its consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into account the needs of developing countries. In view of this General Assembly resolution, my delegation would like to reassert that all space activities should be conducted in such a way as to ensure that the national interests of other nations are not harmed.

My delegation believes that environmental issues, including those arising from space activities, have become a global concern and therefore require international solutions. My delegation attaches the utmost importance to the preservation of the space environment, especially in connection with factors that could affect the Earth's environment.

In this regard, we would like to reiterate our concern over the increasing amount of space debris in the geostationary orbit. With a view to giving full protection to our environment for the benefit of all mankind, while supporting the multi-year plan adopted by the Scientific and Technical Subcommittee we are of the view that the Legal Subcommittee should initiate a study of the legal framework of this matter. My delegation is aware that a legal framework for such a complex matter requires careful examination of many aspects, including a vast array of technical aspects which the Scientific and Technical Subcommittee still has to address. In this connection, my delegation shares the opinion, expressed in previous sessions by some delegations, that the study might be conducted at least in order to define preliminary parameters, which could be developed, in the long run, into a comprehensive legal framework, taking into account the

result of the study conducted by the Scientific and Technical Subcommittee.

Finally, on the working methods of the Legal Subcommittee, my delegation supports the efforts of our Working Group of the Whole to make that Subcommittee more effective and efficient.

Mr. El Ghernougui (Morocco) (*interpretation from Arabic*): The delegation of the Kingdom of Morocco would like at the outset to express its thanks to the secretariat for its hard work in preparation for the discussion of this agenda item. We also take this opportunity to express our satisfaction at the work carried out by the Legal Subcommittee, which will contribute positively to our future work in the area of outer space.

The world has entered a new era marked by radical changes in international relations. This has caused the major Powers to turn away from the arms race and towards competition in exploiting new economic interests. In these circumstances, the world takes on a certain transparency thanks to telecommunications and new technology. By way of example, we could mention direct television communications to all regions.

In these conditions, it has become difficult to persuade the developing countries and the least developed countries that they should accept the huge gap between the vast resources available to the developed countries and the minimal resources possessed by the developing and the least developed countries, or the fact that this gap is getting wider day by day.

We must devote just as much special and parallel attention to the question of the safety of spacecraft as they pass through the heavens as we do to the question of the uses of outer space and advances made there. For this reason, and in the light of our experience, we think it is necessary to consider the question of managing waste that may be left in space and its fearful effects on the environment. We may see the environmental consequences in the form of earthquakes and floods or, as a result of excessive global warming, droughts and climatic conditions that do not follow the normal pattern of seasons. All of these phenomena are brought on by a loss of global balance and the resultant effects on the environment.

The question of conquering space and the technology that is used there, as well as technology acquired through such exploration, is extremely complicated and is becoming ever more so. This creates new phenomena, and it is necessary that we consider building new structures and developing laws to govern and control them. However, on the basis of the many negative effects that we have experienced, we think that there are weaknesses in the safety and management of such technologies and with regard to environmental protection.

Parallel with the progress that has been made, we now see the ever-increasing problem of space debris, and we are conscious of the danger of a collision between such debris and any spacecraft carrying nuclear power sources, with the consequent risk of radiation. In addition, there is the difficulty arising from artificial satellites that have come to the end of their functional life but remain in space, nobody having solved the problem of how to get rid of them. Then there is the problem of the environmental effects — especially the effects on the atmosphere — of launching satellites. Further, we are aware of the need to consider developing innovative structures and promulgating laws to improve the control of these phenomena and provide solutions to the increasing related problems.

Let us start, even relatively, from the premises that outer space belongs to the entire Earth and to all mankind, that it belongs to all States and that some States have greater capacity and technological ability than others to conquer it. On that basis we can only conclude that the environmental problems we now face should be shared by all countries, without exception, whether or not such technologies are available to them. So far as responsibility for the problems is concerned, we do not want to engage in assigning blame to one group of States rather than another. What we do want to do is draw attention to the severity of the danger and make the point that we should consider the question and move in parallel with the developments in technology. We must also think about using positive aspects of technologies for the benefit of all States, just as we share responsibility for the terrible damage that is being done.

It will not be possible to use outer space for the benefit of all States, including the developing countries, without close international cooperation that takes account of the interests of all States. The delegation of Morocco therefore believes that of crucial importance is the question of preparing a legal framework which takes into account the developments and recent events in the area of the use of outer space for social and peaceful purposes, particularly in terms of international cooperation.

In this connection, we believe that it is natural that we should once again call upon those States possessing space technology and capable of conquering space to a greater

extent than others to establish a fund along the lines of what has been done in the case of the law of the sea. Such a fund would be used to implement development projects in the developing countries to enable them to improve their remote sensing networks. This would be real evidence that outer space was being used for the benefit of all States, including the developing countries.

In addition, we believe that it is essential that all States participate — each according to its capacity — in ensuring that the benefits of space technology and science are used to improve and develop sectors that are vital to them, particularly those relating to social affairs. If we devote sufficient attention to these sectors they will provide us with solutions for devastating natural disasters.

We must think carefully about preparing rules and fixed principles and about establishing more reliable structures to monitor developments in space science. At the same time, we should consider the establishment of a relative balance in international law, in terms of its being structured for the purposes of outer space.

The Kingdom of Morocco believes that the discussions and consultations that have taken place so far concerning legal aspects of the uses of outer space have enabled some progress to be made. They have, indeed, opened up new prospects. Accordingly, we believe that it is important to take advantage of this opportunity and to be guided by these new trends, which should lead us towards new, productive horizons.

Mr. Fiuza Neto (Brazil): In the light of the highly positive results of the thirty-fourth session of the Legal Subcommittee, the Brazilian delegation wishes to approach this most important item of our discussions in a mood of renewed confidence in the capacity of this Committee to build consensus. The vitality displayed in the debates of the Legal Subcommittee helps to remind us that the mechanism of consensus-building is a subtle one — an important point to keep in mind, incidentally, when we proceed with our discussions on working methods.

The Legal Subcommittee is the heart and soul of this Committee. As we know, one of the primary goals that led to the creation of the Committee on the Peaceful Uses of Outer Space was the nature, including the legal nature, of programmes dedicated to the exploration of outer space. Indeed, when we consider the recent work undertaken by our group, and when we see how much still lies ahead, it is easy to understand why some delegations, among them my own, consider this stage of our negotiations a true crossroads of extremely rich themes.

This thought gains importance when we consider that some of these themes are often connected to a vast array of other subjects of interest to us in this and other forums. In this sense, when we deal with space benefits, for instance, we are also addressing, among other themes, questions related to the transfer of technology, intellectual property and, last but not least, security.

Let me now address the report of the Legal Subcommittee.

As we know, the Legal Subcommittee is at present examining three substantive items. The item on space benefits represents, in our view, the Subcommittee's major issue at this stage — not because the other items are less important, but because of its potential in the field of international cooperation. As evidenced in recent documents and resolutions, and as reflected in the statements of a growing number of delegations throughout the United Nations, questions related to development and to peace are inherently connected. Increasingly, the United Nations is being called upon to address causes and not consequences. In this respect, the theme that naturally emerges as a solution to most of our problems is that of cooperation, especially if we view it in the context of a possible third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III).

It was in the light of those considerations that my delegation welcomed the significant progress made last March towards the achievement of consensus on this subject. Indeed, the debate on space benefits was greatly enriched by the presentation of a new paper sponsored by the delegations of France and Germany. My praise does not necessarily mean that we share all the views expressed in that paper, but the mere fact that it exists speaks for itself, especially if we keep in mind that those delegations had in the past hesitated so much to join in the debate. We are now looking forward to considering next year, at the thirty-fifth session of the Legal Subcommittee, the revision of the Franco-German document announced by the German delegation. We hope those two and other delegations will be just as interested in taking a look at the revisions we will be presenting in our own paper.

At any rate, we can now count on two substantial working papers which reflect a wide range of ideas on this item. The head of the Chilean delegation to the Legal Subcommittee, Ambassador Raimundo González, who

chaired the Working Group on this item with his usual flair and ability, tried to merge the two texts without prejudice to existing working papers. It remains to be seen whether we can work on the basis of this new paper or whether we should, temporarily at least, go back to our two original documents. But one thing is sure: our debate has been greatly enriched.

As we conclude our comments on this topic, I would like warmly to welcome the decision of the Cuban delegation to join the other 11 sponsors of the working paper on space benefits contained in document A/AC.105/C.2/L.182/Rev.2.

Let me turn now to the item on nuclear power sources. This item is, at least for now, dormant. We have here a good example of the cyclical character of the work of the Subcommittee, as my delegation had occasion to mention last Wednesday afternoon in the context of the Working Group on working methods. We are perfectly happy to put this item aside for a while. In fact, no major technological innovations have emerged which could justify any revision of this item.

On the question of the geostationary orbit, my delegation believes that the exchange of views which took place at the last session of the Legal Subcommittee was stimulating and productive, providing us with a renewed basis for additional work. Progress has indeed been rather slow on this item, but if we compare reports from recent years we will note that some gain has been achieved.

With reference to matters relating to the delimitation of outer space, the approval of the working paper entitled "Draft questionnaire on legal issues with regard to aerospace objects" could open new avenues for our discussions. I again express our thanks to Mr. Eugenio María Curia of Argentina for leading us towards what could be a breakthrough on this subject.

As a concluding remark, allow me to offer some comments illustrating our deeply rooted concern with the good functioning of the legal Subcommittee — in other words, comments that have a bearing on our working methods. I refer to the necessity of placing new items on the agenda of the Legal Subcommittee. As we had occasion to say last March, the most troubling aspect of the Legal Subcommittee is not so much the difficulties we often face when discussing our items; these are quite natural considering that we work on a consensus basis. Rather, it is the fact that we do not seem to be able to engage in a thorough discussion regarding possible new items for our agenda. It is no wonder that as a consequence so many delegations are considering shrinking the time allotted for our discussions.

My suggestion is simple: let us reduce the time allotted to our work only after we thoroughly examine the list of items set out in paragraph 47 (p. 10) of the report of the Subcommittee. Only then could we take a well-grounded decision on the duration of our work. Who knows? We may even wish to go back to the duration of four weeks, as was once the case.

A final word on this issue: Paragraph 55 (p. 11) of the same report places the responsibility for analysing new items on the shoulders of those who propose them. We are prepared to meet this challenge, but consider it quite unfair, for our discussions would be vastly enriched if all delegations joined in, especially those which possess important information on the suggested issues. By crossing their arms, they could give the impression that they have second thoughts about the possibility of giving new fuel to the Subcommittee's work.

Having learned last Friday that a report just released on space debris, funded by the United States National Aeronautics and Space Administration (NASA), has, in a strong conclusion, recommended the articulation of a concerted international effort to tackle this threat to the space environment while it is still manageable, I feel compelled to draw attention to the fact that COPUOS has always been characterized by a finely tuned sensitivity to the worries and aspirations of the international community. By starting, at once, in the Legal Subcommittee a preliminary debate on space debris — and I stress "preliminary debate", not the drafting of legislation — we would live up to that fundamental tradition, giving a clear response to the growing concern — which prevails nowadays throughout the world with respect to this subject, a concern, which, by the way, seems to be shared by NASA.

Mr. Huang Huikang (China) (*interpretation from Chinese*): With respect to the report of the Legal Subcommittee, the Chinese delegation has always been of the view that the development of space technology and the implementation of space activities are inseparable from the establishment of a good legal order for space. It is therefore necessary to step up, and speed up, work on international space law. In this regard, the Committee on the Peaceful Uses of Outer Space (COPUOS) and its Legal Subcommittee can and should play a positive role. We are pleased to see that, at its thirty-fourth session and thanks t

the joint efforts and cooperation of representatives participating in that session, the Legal Subcommittee has made fresh progress in its consideration of all the items on its agenda. We commend the Legal Subcommittee for its report, and pay tribute to the Chairmen of the Subcommittee and of its two Working Groups.

An important item on the Legal Subcommittee agenda is "Consideration of the legal aspects related to the application of the principle that the exploration and utilization of outer space should be carried out for the benefit and in the interests of all States, taking into particular account the needs of developing countries". At this year's session of the Legal Subcommittee, Brazil and 10 other delegations submitted a revised working paper entitled "Principles regarding international cooperation in the exploration and utilization of outer space for peaceful purposes", and the delegations of France and Germany submitted a working paper entitled "Declaration on international cooperation in the exploration and use of outer space for the benefit and in the interests of all States, taking into particular account the needs of developing countries".

This constitutes major progress of great positive significance, and reflects a gradual narrowing of the gap between developed and developing countries on issues related to space benefits and international space cooperation. The Working Group's consideration of those two working papers was also very constructive. With this good foundation, we are confident that the Working Group will make further progress in its consideration of this item at its next session.

The Chinese Government has always supported efforts towards the peaceful use of outer space and has advocated increasing and strengthening international cooperation in outer space for the benefit of mankind. We are of the view that, in the formulation of principles on international cooperation in outer space, full attention should be given to the following principles: international space cooperation should be exclusively for peaceful purposes; cooperation should proceed on the basis of equality and mutual benefit and recognized principles of international law; and the primary goals of cooperation should be to build up space capabilities in developing countries and to share space benefits with them, to promote exchanges of knowledge, technology and talent among States, to ensure transfer of space technologies, materials and equipment on equitable and reasonable terms, to take the measures necessary to prevent damage to the space environment, and to ensure the equitable distribution of the spinoff benefits of space technologies, taking into account the needs of developing countries.

On the question of the definition and delimitation of outer space, the Chinese delegation supports the efforts by a number of member States to break the current deadlock. The questionnaire on possible legal issues with regard to aerospace objects adopted by the Legal Subcommittee is a useful document, and we support its transmission to members of the Committee and to relevant international organizations, including the International Civil Aviation Organization (ICAO), for comment, in the hope that replies to the questionnaire can provide a basis for the Legal Subcommittee to decide how it might continue its consideration of the item with a view to contributing to its solution. Moreover, we believe that replies to the questionnaire could also contribute to the establishment of some sort of legal regime for aerospace objects.

On the question of the geostationary orbit, the Chinese delegation took an active part in discussion of the working paper submitted by Colombia, entitled "Geostationary satellite orbit". We have consistently held that the Committee's consideration of the geostationary orbit does not conflict with the functions of the International Telecommunication Union (ITU), but rather complement them. A legal regime governing the geostationary orbit should be based on the principles of equity, economy and effectiveness, and should take into consideration the interests of all States. We note with satisfaction the stated willingness of the Colombian delegation to submit to the next session of the Legal Subcommittee a revised text of this working paper taking account of comments by other delegations. We support the Subcommittee's continued consideration of legal issues related to the geostationary orbit, and hope that progress will continue at the next session.

I turn now to the question of new agenda items for the Legal Subcommittee. In view of the general agreement not to revise for the time being the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, we consider it necessary to add one or more items to the agenda of the Legal Subcommittee. We are of the view that the possible new items proposed by some delegations at this year's session of the Legal Subcommittee — such as "Status of the five outer space Treaties", "Commercial aspects of space activities" and "Legal aspects of space debris" — are important issues related to international space law and deserve in-depth study. We support continued informal consultations on this matter with a view to identifying, on the basis of consensus, an item or list of items that might

in the near future be considered for inclusion in the agenda of the Subcommittee.

Mr. Pocar (Italy): Since this is the first time I have addressed the Committee at this session, Mr. Chairman, I want to express my satisfaction and that of my delegation at seeing you continuing to preside over our deliberations. Your wisdom and long experience in guiding the debates and consultations among members constitute the best guarantee of fruitful work in the Committee.

The Italian delegation would like at this stage to make a few comments on item 6 of the agenda, concerning the report of the Legal Subcommittee on the work of its thirty-fourth session. We have examined the report with interest and endorse it with satisfaction, as it shows a certain improvement in the activity of the Subcommittee, notwithstanding the absence of any decisive achievement on the items under consideration. It is encouraging that some progress has been made in the debate, conducted under the able chairmanship of Professor Mikulka.

In our view, important progress has been made, in particular, on the item related to the application of the principle that outer space activities should be carried out in the interests of all States, taking into particular account the needs of developing countries. For the first time, the Subcommittee had before it two different documents for consideration. This certainly marks a turning-point in the debate on this item. We wish to express our gratitude to all the delegations that prepared the documents on the basis of the discussions held so far and to the Chairman of the Working Group for the informal paper he presented at the end of the session.

The Italian delegation welcomes in particular the submission, at the last session, of the working paper drafted by France and Germany. Without in any way minimizing the merits of other proposals, we think that this document reflects more accurately the current realities of international cooperation and the interests of all States, including developing countries. It is our view that the basic freedom of States to choose the forms of cooperation that best meet their interests, provided that their terms are fair and well balanced, should be underlined. In this context, the role of regional cooperation, including cooperation between developing countries, and the role of bilateral cooperation between developing and industrialized countries should be particularly stressed. We look forward to seeing these principles recognized in a future declaration, convinced as we are that the major benefits from outer space activities will derive — and this is true also for developing countries — from the sharing of the free market and participation in international joint ventures that involves the sharing of acquired experiences. Italy has in this area a long-standing tradition of bilateral cooperation with developing countries, including within the framework of the European Space Agency and the European Union.

Let me now turn to the item on the Legal Subcommittee's agenda concerning the delimitation of outer space and the geostationary orbit. We have followed with care the debate on possible legal issues with regard to aerospace objects and have taken note of the revised questionnaire submitted by the Chairman of the Working Group. Although we still must reserve our position at this stage, because a number of questions, including obtaining the views of the International Civil Aviation Organization, should be clarified before we engage in a debate on the issue, we must now, in order to avoid any misunderstanding, reiterate our concern at seeing these discussions linked to the question of the definition and delimitation of outer space. We may be prepared to take part in future discussions concerning the possible legal implications of the flight of aerospace objects, but we maintain that the issue does not presuppose any agreement on the delimitation of outer space.

Decades of space activities carried out by States have shown that no geographical delimitation is necessary for the satisfactory regulation of such activities. Moreover, the debate within the Legal Subcommittee is at a deadlock, which is not surprising, since it is a purely theoretical debate. Indeed, it is not for the Subcommittee or for COPUOS, after having codified the general features of outer space law in the 1967 Treaty and subsequent treaties that set the legal general framework for space activities, to engage in establishing legal rules on purely academic grounds that have no direct impact on concrete space activities.

If the implications of the flight of aerospace objects are to be examined at any stage and in any form by the Legal Subcommittee, the issue has to be taken up with a functional approach to the concrete problems that it may raise, and the debate should develop in a context free from any unnecessary linkage with other legal issues. Let me add that the question of aerospace objects has no link either with the other issue included in item 4 of the agenda, the use of the geostationary orbit.

The preceding considerations lead me to the question of the working methods of the Legal Subcommittee. There is no doubt that the steps taken so far to rationalize the

Subcommittee's work schedule have had good results and that a flexible approach to the agenda has proved successful. However, we think that further measures are necessary to enhance the Subcommittee's efficiency.

On the one hand, the agenda should be rethought in order to remove from the consideration of the Working Groups measures on which no more than a general debate has taken place for a significant number of years. This would enable the Subcommittee to take up in the future other matters whose discussion might prove more fruitful. From this perspective, my delegation has underlined on many occasions the importance of the problems related to the protection of the environment in connection with space activities. The subject of space debris appears to be the more urgent issue in this area, and we have followed with interest the positive developments in its consideration within the Scientific and Technical Subcommittee, with a view to seeing it later taken up by the Legal Subcommittee.

On the other hand, the attention due this issue, whose legal aspects are already under careful consideration in other forums, should not prevent the identification of other subjects that might be included in future on the agenda of the Legal Subcommittee, bearing in mind that the outcome of informal consultations should be carefully evaluated by this Committee before any formal proposal is finalized for adoption.

Mr. Webb (Canada): We appreciate this opportunity to address this item. We have reviewed the text of the report of the Legal Subcommittee and find it entirely acceptable. I will therefore limit my comments to some issues raised in the course of our more recent discussions.

On the issue of the working methods, my delegation can only welcome the common understanding that seems to have developed concerning the need to improve on the status quo. We note with appreciation the very interesting ideas put forward in the course of the meeting of the Working Group of the Whole last week.

The overriding objective, as you, Mr. Chairman, have so rightly pointed out, is still to make more efficient use of conference facilities and of the time and resources of the Chairman, the secretariat and Member States. My delegation looks forward to continuing the discussion on this important issue during the course of this week, with a view to reaching prompt consensus on measures to be implemented. We believe that consensus is within reach, and we find most attractive the greater flexibility demonstrated and already in place.

With specific reference to the agenda of the Legal Subcommittee, my delegation welcomes the consideration given at the Subcommittee's last meeting to the possibility of introducing new items. We intend to work with other delegations to ensure an agenda of contemporary relevance.

Moving now to the issue of the legal aspects of the exploration and use of space for the benefit and in the interests of all States — developing countries in particular — my delegation can only note with satisfaction the increased attention paid to the importance of greater cooperation between States. There is no doubt that space technologies and applications can play an important role in fulfilling specific needs of all countries, both developing and developed. This could naturally involve enhanced collaboration between States on specific projects and the improved sharing of technology, know-how and the results of experiments, on mutually acceptable terms.

However, my delegation remains unconvinced that a General Assembly declaration of principles is necessary to achieve this end, given the existing rules and principles already in place in the relevant space treaties and General Assembly resolutions. Nevertheless, we welcome the contributions of the delegations that put forward working papers on this issue, particularly the paper of Brazil and several other delegations and that of France and Germany.

Mr. Louet (France) (*interpretation from French*): I do not have much to say on this point, but I should like to fill out the discussion on the various chapters of the Legal Subcommittee's report. Chapter I, which deals with nuclear power sources in outer space, and Chapter II, which relates to the definition and delimitation of outer space, do not require any comment from me, and as I dealt with Chapter III, which concerns the exploration of space in the interests of all States, during the general debate I shall not speak about that.

However, I should like to comment on chapter IV, "Working methods and agenda of the Legal Subcommittee". In my view, we cannot accept this chapter as it stands. I should like to bring up a problem of methodology. I understand that this afternoon we shall be meeting as the Working Group of the Whole, with the task of examining the working methods not only of the Committee but also of its subsidiary bodies, the Legal Subcommittee and the Scientific and Technical Subcommittee. As it seems to me that chapter IV will be considered at that time I should like to know in what framework you, Mr. Chairman, would like the discussion to proceed.

The Chairman *(interpretation from French)*: In response to the question by the representative of France, I should like to say that I am entirely open to having this subject dealt with this afternoon, when we meet as the Working Group of the Whole to discuss matters related to the working methods and records of the Committee and its subsidiary bodies.

The meeting rose at 11.45 a.m.